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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,418

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Javier Del Prado Pavon

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

06/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,418	Applicant(s) DEL PRADO PAVON ET AL.	
	Examiner Sharad Rampuria	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13-21 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-21 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-9, 13-21 & 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (US Pub. 2003/0081547) in view of **Sai et al.** ["QoS Signaling for Parameterized Traffic in IEEE 802.11E Wireless LANs", by Sai Shankar et al., August 2002, pages 67-83. IDS filed on 05/06/2005].

Regarding claims 1, 7, 13 and 19, 25, Ho teaches a Hybrid Controller (HC) for an IEEE 802.11 wireless data communications system 100 supporting quality of service (QoS) enhancements (Abstract, pages 2 - 3, paragraph [0029]) comprising: a Station Management Entity (SME) 202 within the HC; and a Media Access Control (MAC) Sub Layer Management Entity (MLME) 201 within the HC and communicably coupled both to the SME 202 and to MLMEs 201 for wireless stations (WSTAs) 106, 109 participating in the IEEE 802.11 wireless data communications system 100 (Hybrid Controller - 257 comprises MLME coupled to a SME. WSTAs -255, both include a MLME (page 4, paragraphs [0041] - [0042], [0047], Fig 2b).

Ho doesn't teach specifically, wherein, responsive to receipt of a Schedule QoS Action frame at the WSTA, the MLME within the WSTA generates an indication primitive for transmission to the SME within the WSTA. However, **Sai** teaches in an analogous art, that wherein, responsive to receipt of a Schedule QoS Action frame at the WSTA, the MLME within the WSTA generates an indication primitive for transmission to the SME within the WSTA. (Pgs. 74-75: section 4.2) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to including wherein, responsive to receipt of a Schedule QoS Action frame at the WSTA, the MLME within the WSTA generates an indication primitive for transmission to the SME within the WSTA in order to provide a method of a centrally controlled contention based channel access in WLAN system.

Regarding claims 2 and 14, as applied to claims 1 and 13, Ho further discloses wherein the request primitive contains an address for the one of the participating

WSTAs 106, 109 and a Schedule Element (Ho discloses QoS primitives consist of QoS action frame bodies. It's that the QoS request primitive consists of QoS action frame bodies that include the address of one of the WSTA and the Schedule Element (page 5, paragraphs, [0048] - [0050], page 7, paragraph [0073], Fig. 6a).

Regarding claim 3 and 15, as applied to claims 2 and 14, Ho further discloses wherein the SME 202 transmits the request primitive to the MLME 201 within the HC (page 4, paragraph [0050], pages 6 - 7, [0067], Fig. 5a).

Regarding claims 4 and 16, 26, as applied to claims 3 and 15, Ho further discloses wherein responsive to receiving the request primitive from the SME 202, the MLME 201 formulates a Schedule QoS Action frame containing the Schedule Element and transmits the formulated Schedule QoS Action frame (Ho discloses QoS primitives consist of QoS action frame bodies. It's that the QoS request primitive consist of QoS action frame bodies that include the Schedule Element [page 5, paragraphs [0048] - [0050], pages 6 - 7, Paragraphs [0066], [0067], Fig. 5a)).

Regarding claim 5 and 17, 27, as applied to claims 4 and 16, Ho further discloses the wireless data communications system 100 further comprising: a MLME 201 within the one of the participating WSTAs 106, 109, wherein the MLME 201 within the one of the participating WSTAs 106, 109, responsive to receipt of the Schedule QoS Action frame by the one of the participating WSTAs 106, 109, generates an indication primitive for

transmission to an SME 202 within the one of the participating WSTAs 106, 109 (page 5, paragraph [0052], page 7, paragraphs [0067] - [0068], Fig. 5a).

Regarding claims 6 and 18, as applied to claims 5 and 17, Ho further discloses wherein the indication primitive includes the Schedule Element (Ho teaches QoS primitives include QoS action frame bodies. It's that the QoS indication primitive consists of QoS action frame bodies that include the Schedule Element (page 5, paragraphs, [0048], [0052], page 7, paragraph [0073], Fig. 6a).

Regarding claims 8 and 20, as applied to claims 7 and 19, Ho further discloses wherein the confirm primitive includes a result code corresponding to the result for the request primitive (page 5, paragraph [00511]).

Regarding claims 9 and 21, as applied to claims 8 and 20, Ho further discloses the MLME 201 within the HC transmits the confirm primitive to the SME 202 within the HC (page 5, paragraph [0051], page 7, paragraph [0068], Fig. 5a).

Response to Amendments & Remarks

Applicant's arguments with respect to claims 1-9, 13-21 & 25-27, have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Primary Examiner
Art Unit 2617